

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in the specification, for example, on page 15 lines 4-18, page 16 lines 16-21 and FIGS. 8 and 9, as originally filed. New claims 23-25 are reinstatements of previously cancelled claims 15, 21 and 22, respectively. Thus, no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1, 3-6, 9, 14, 16 and 18 under 35 U.S.C. §103(a) as being unpatentable over O'Connor '544 in view of Vogel '788 and Sethuram et al. '928 (hereafter Sethuram) has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claim 10 under 35 U.S.C. §103(a) as being unpatentable over O'Connor in view of Vogel, Sethuram and Lahat et al. '074 has been obviated by appropriate amendment and should be withdrawn.

The rejection of claims 11-13, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over O'Connor in view of Vogel, Sethuram and Larsen '553 has been obviated by appropriate amendment and should be withdrawn.

O'Connor concerns a SONET add/drop multiplexer with packet over SONET (Title). Vogel concerns a SONET physical layer device having ATM and PPP interfaces (Title). Sethuram concerns a method and apparatus for transceiving multiple services data simultaneously over SONET/SDH (Title). Larsen concerns data packet multiplexing in a staggered fashion (Title). Lahat concerns ring networks utilizing wave division multiplexing (Title).

Claim 1 provides a node configured to add a header to each of a plurality of packets having a plurality of protocols within a frame. In contrast, O'Connor, Vogel and Sethuram each appear to be silent regarding a node adding a header to each of a plurality of packets in a frame as presently claimed.

Claim 1 further provides that the frame comprises a label having information specifying that at least two of the protocols are used in the packet envelope. Despite the assertion on page 3 of the Office Action, column 12, lines 40-41 of Sethuram appear to be silent regarding a label **specifying that at least two of a plurality of protocols are used** in the packet envelope. The cited text of Sethuram reads:

The SPE POH processor stage 518 also processes the payload using the STS Path Signal Label (C2) so that the data for the multiple services can be extracted and written into the elastic storage means 404 over the storage port 414. (Column 12, lines 39-43)

Nowhere in the above text or in any other section does Sethuram appear to discuss labels that specify the use of multiple protocols. Therefore, O'Connor, Vogel, and Sethuram, alone or in combination, do not appear to teach or suggest a frame comprising

a label having information specifying that at least two of a plurality of protocols are used in a packet envelope as presently claimed.

Furthermore, the Office Action fails to provide clear and particular evidence of motivation to combine Sethuram with O'Connor and Vogel. In particular, the Office Action merely provides a statement about a capability of Sethuram without ever explaining why the capability would motivate one of ordinary skill in the art to modify O'Connor and Vogel. The fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness (MPEP §2143.01). Therefore, the asserted motivation appears to be merely a conclusory statement. As such, *prima facie* obviousness has not been established for lack of clear and particular motivation to combine the references. As such, claim 1 is fully patentable over the cited references and the rejection should be withdrawn.

Claim 16 provides a step for identifying a data type of a payload in each of a plurality of packets from a header added to each of the packets. Despite the assertion on page 5 of the Office Action, column 12, lines 40-41 of Sethuram appear to be silent regarding data types of payloads and headers added to packets. The cited text of Sethuram reads:

The SPE POH processor stage 518 also processes the payload using the STS Path Signal Label (C2) so that the data for the multiple services can be extracted and written into the elastic storage means 404 over the storage port 414. (Column 12, lines 39-43)

Nowhere in the above text or in any other section does Sethuram appear to discuss identifying a data type of a payload in each of a plurality of packets from a header added to each of the packets as presently claimed.

Furthermore, the Office Action fails to provide clear and particular evidence of motivation to combine Sethuram with O'Connor and Vogel. In particular, the Office Action merely provides a statement about a capability of Sethuram without ever explaining why the capability would motivate one of ordinary skill in the art to modify O'Connor and Vogel. The fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness (MPEP §2143.01). Therefore, the asserted motivation appears to be merely a conclusory statement. As such, *prima facie* obviousness has not been established for lack of clear and particular motivation to combine the references. As such, claim 16 is fully patentable over the cited references and the rejection should be withdrawn.

Regarding claim 10, the Office Action has failed to establish a reasonable expectation of success to modify the proposed combination of O'Connor, Vogel and Sethuram with Lahat. In particular, modifying the SONET network of O'Connor with Lahat such that the non-sending and non-receiving nodes of O'Connor are unaware of SONET frames on separate specific wavelengths appears to change the principal operation of the SONET network of O'Connor in violation of MPEP §2143.01. Therefore, *prima facie* obviousness has

not been established. As such, the rejection of claim 10 should be withdrawn.

Claim 11 provides that the node is further configured to determine a reusability of each of the packets within the frame received at the interface. The Office Action argues on page 3 that Vogel discloses transportation of a plurality of packets having PPP protocol packets encapsulated within ATM protocol packets in the same SONET frame. However, Larsen does not appear to discuss how to determine a reusability of encapsulated packets within other packets as asserted in the Office Action. Therefore, O'Connor, Vogel, Sethuram and Larsen, alone or in combination, do not appear to teach or suggest a node configured to determine a reusability of each of a plurality of packets within a frame received at an interface as presently claimed. Claim 19 provides language similar to claim 11. The Examiner is respectfully requested to either (i) provide a clear and concise explanation how Larsen allegedly teaches how to determine a reusability of a first packet (e.g., PPP) embedded inside a second packet (e.g., ATM) or (ii) withdraw the rejections for claims 11 and 19.

Claim 13 provides that each header added to the packets is configured to store a reuse bit. In contrast, Larsen appears to be silent regarding a V/F2 bit and an I/C4 bit (asserted similar to the claimed reuse bit) being part of a header added to a packet. Therefore, O'Connor, Vogel, Sethuram, and Larsen, alone or in combination, do not appear to teach or suggest a header added to each of a plurality of packets is configured to store a reuse bit

as presently claimed. Claim 20 provides language similar to claim 13. As such, claims 13 and 20 are fully patentable over the cited references and the rejections should be withdrawn.

PRIOR IDS SUBMISSIONS

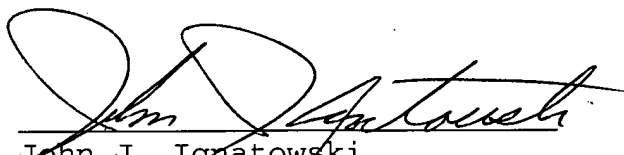
Applicant's representative respectfully requests consideration of the non-patent documents submitted with the September 22, 2000 Information Disclosure Statement. The September 2000 IDS was submitted under 37 CFR 1.97(b) and believed to be in conformance with the 37 CFR 1.97 timing requirements and the 37 CFR 1.98 content requirements as discussed in MPEP §609. Clean copies the September 22, 2000 PTO-1449 forms are enclosed for the Examiner to initial. Copies of the related patent application references are available on the private PAIR system under the respective serial numbers. Copies of the non-patent application references are available on the private PAIR system in co-pending application serial no. 09/535,717 as the eleven "07/26/2000 NPL Documents" by the Applicant.

The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office
Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

A handwritten signature in black ink, appearing to read "John J. Ignatowski", written over a horizontal line.

John J. Ignatowski
Registration No. 36,555
24840 Harper, Suite 100
St. Clair Shores, MI 48080
(586) 498-0670

Dated: February 17, 2005

Docket No.: 0325.00371